

11/3/15

From: **Bob Clancy** robertjclancy@gmail.com
Subject: **Fwd: ConCom October 28, 2015**
Date: **October 28, 2015 at 7:51 PM**
To: vcgabert@gmail.com, rsanchezinc@gmail.com, prueb144@gmail.com, emcarlow@gmail.com

Minutes from tonight.

Sent from my iPad

Begin forwarded message:

From: Bob Clancy <robertjclancy@gmail.com>
Date: October 28, 2015 at 7:50:26 PM EDT
Subject: ConCom October 28, 2015

ConCom October 28, 2015
Meeting opened at 7:00pm
Present: Myra, Virginia, Ramon, Bob.
Also present: Walt Quist Rowe BOS

Walt Quist presented on an RDA by the Energy Committee.
\$157,000+ green communities grant. Need to locate pellet boiler at DPW garage. 11'x11'x1' pad required. DPW to do site work.
Boiler will replace fuel oil boiler.
Would also replace 2-250 gallon fuel oil tanks.
Site is 65' from Brook...in the waterfront area, and is subject to wetlands protection.
A motion for a negative determination, #2, was made by Virginia, seconded by Myra.
Motion passed by all.

DPW Emergency Order. Virginia presented on issuance of E/M order to facilitate work on Davis Mine Road in consultation with Mark Stintson; DEP.

Another situation on Yankee Road where a portion of the road is sinking out. It is still a "town road". Marilyn Wilson, Rowe BOS, is investigation a possible joint project/cost sharing.

Bear Swamp NOI. Pre-activity meeting November 3rd.

TransCanada NOI. Most work on the northern washout is complete, e.g. Road, drainage ditch, riprap in place, grass growing.

Minutes. Motion to accept minutes from September 3, 2015 by Myra, seconded by Ramon, passed. (Include Virginia attending the meeting).

Commission education offerings in FY16. Nothing at this time.

Other business. None.

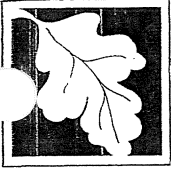
Next meeting is on November 3rd, a pre-activity meeting for TransCanada hiking trail project.
Next regular meeting on Tuesday, December 8th, 6:30pm.

A motion to adjourn by Bob seconded by Myra passed. 7:50pm.

Respectfully submitted,
Bob Clancy

not yet reviewed
approved 11/3/15

11/3/15



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Rowe
 Conservation
 Commission

A. Violation Information

Important:
 When filling out
 forms on the
 computer, use
 only the tab
 key to move
 your cursor -
 do not use the
 return key.



This Enforcement Order is issued by:

Rowe Conservation Commission

November 3, 2015

Date

To:

Lisa Bryant

Name of Violator

11 Hazelton Road, Rowe MA

Address

1. Location of Violation:

Property Owner (if different)

11 Hazelton Road

Street Address

Rowe

City/Town

203

203

Assessors Map/Plat Number

01367

Zip Code

30

31

Parcel/Lot Number

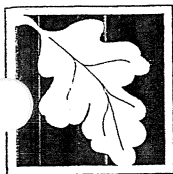
2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Cutting and skidding of trees within the Riverfront has begun with no notice to the Conservation Commission and no Logging Plan approved by the Department of Conservation and Recreation (DCR). Several trees have been cut and stored in preparation for moving from the site. Work being performed is within 200' of the river high water mark but no work or debris has been deposited in the river itself.

Area to be logged is approximately 3-4 acres and trees to be cut include 16 +/- oaks and also some hemlock and some white pine.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:



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☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name

Dated

File Number

Condition number(s)

☐ The Order of Conditions expired on (date):

Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

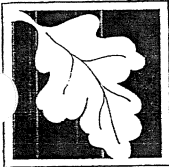
☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before

Date

for the following:



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The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)

- ☒ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

November 10, 2015

Date

for the following:

Perform logging work within the Riverfront Area

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

If the property owner presents to the Conservation Commission a Logging Plan approved by the Massachusetts Department of Conservation and Recreation the Commission may lift this Enforcement Order.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Myra Carlow

Name

413-3398535

Phone Number

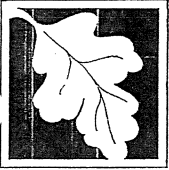
9 am - 7pm

Hours/Days Available

Issued by:

Town of Rowe

Conservation Commission



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Bridget D. Perry
Ramon Luis Sanchez

Virginia Caballero
Mya Bennett Carlson

certified:

7015 0640 0000 0690 8792

11/5/15

Signature of delivery person or certified mail number

copy by first class mail